

### **Amendments to the Drawings**

The attached sheets of drawings include changes to Figures 1, 4, and 6.

Attachments: (1) Replacement Sheets

(2) Annotated Sheets Showing Changes

### **Remarks**

In the Office Action, the Examiner objected to Figs. 1, 4, and 6 of the drawings. The Examiner also objected to the specification for informalities. The Examiner also objected to claim 10 for informalities. The Examiner also rejected claims 1-3, 12, 17, 18, 20, and 21 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner also rejected claims 1, 12, 17, 18, 20, and 21 under 35 U.S.C. §103(a) as being unpatentable over United States Patent 6,424,342 issued to Perlman, et al. (Perlman). The Examiner also rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Perlman in view of United States Patent 6,147,722 issued to Pritchett, Scott K. (Pritchett). The Examiner also rejected claims 13-15 under 35 U.S.C. §103(a) as being unpatentable over Perlman in view of United States Patent 6,356,276 issued to Acharya (Acharya). The Examiner also rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Perlman as applied to claim 12, and in further view of United States Publication 20010014175 to Tavor (Tavor). The Examiner also rejected claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Perlman as applied to claim 1, and in further view of Apple Computer's QuickTime. The Examiner also rejected claims 1-21 on the ground of nonstatutory obviousness-type double patenting. The Examiner also stated that claims 3-9 and 19 are objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Amendment, Applicants have amended the specification. Applicants have amended Figs. 1, 4, and 6 of the drawings. Applicants have amended claims 1-8, 10-12, and 16-21. Applicants have added claims 22-29. Accordingly, claims 1-29 will be pending after entry of this Amendment.

## **I. Allowable Subject Matter**

In the Office Action, the Examiner stated that claims 3-9 and 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for allowing these claims. However, Applicants have not rewritten any allowed claims in independent form.

## **II. Drawing Objections**

In the Office Action, the Examiner objected to Figures 1, 4, and 6 of the drawings. Specifically, the Examiner stated that Fig.1 should be designated by a legend such as "Prior Art"; Fig. 2 should be labeled 4A-4C; and Fig. 6 should include a directional arrow for the CD-ROM 617. Applicants have amended the objected figures.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objections to the drawings.

## **III. Specification Objection**

In the Office Action, the Examiner objected to the specification. Specifically, the Examiner stated that on page 10, line 16, the word "may" most likely should be "many." Applicants have amended the specification in accord with the Examiner's suggestion.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the specification.

## **IV. Claim Objection**

In the Office Action, the Examiner objected to claim 10. Specifically, the Examiner stated that the word "were" in claim 10 should be "are." Applicants have amended claim 10.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claim 10.

**V. Claim Rejection under §112**

In the Office Action, the Examiner rejected claims 1-3, 12, 17, 18, 20, and 21 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that each of claims 1, 2, 12, 17, 18, 20, and 21 contain a relative term; and claim 3 has terms with insufficient antecedent basis. Applicants have amended claims 1-3, 12, 17, 18, 20, and 21 to address the Examiner's rejections thereof. Applicants respectfully submit that these claims are amended for reasons of clarity and not for reasons of patentability. Applicants do not surrender any equivalents of any amended limitations.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the §112 rejection of claims 1-3, 12, 17, 18, 20, and 21.

**VI. Double Patenting**

In the Office Action, the Examiner rejected claims 1-21 on the ground of nonstatutory obviousness-type double patenting. Applicants are concurrently filing a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) to overcome the obviousness-type double patenting rejection.

According, Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejection.

**VII. Rejection of Claims 1-11, 17, 19, and 20**

In the Office Action, the Examiner rejected claims 1 under 35 U.S.C. §103(a) as being unpatentable over Perlman. Claims 2-11 are dependent directly or indirectly on independent claim 1. Applicants have amended claim 1. Applicants respectfully submit that claim 1 has been amended for reasons of clarity and not for reasons of patentability. Applicants do not surrender any equivalents of any amended limitations.

As amended, claim 1 recites a method. The method defines a new pixel type for the purpose of processing images of a given file type having several channels of image data. In defining the new pixel type, the method provides a corresponding channel for each channel of the given file type. The method updates codecs to support handling of images formatted in the new pixel type. The method converts an image stored in the given file type into data formatted in the new pixel type. The method processes the data formatted in the new pixel type using standard image processing routines. The standard routines designed for a color space different than that of the given file type and the new pixel type.

For at least two reasons, Applicants respectfully submit that Perlman does not disclose, teach, or even suggest such a method. *First*, to establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Pearlman does not disclose, teach, or even suggest many of limitations of claim 1. For instance, Perlman does not disclose, teach, or even suggest converting image into data formatted into a new pixel type. Instead, Perlman describes displaying portions of compressed image data on a display screen prior to decompressing the entire volume. *See* Perlman, Figs. 3 and 4.

The Office Action cites two section of Perlman for disclosing converting image into data formatted into a new pixel type. *See* Office Action, page 6. Specifically, it cites column 5, lines 35-39, which describes defining the term graphical image data; and column 14, lines 40-65, which describes having support for several pixel specifications. Applicants respectfully submit that nothing in these cited sections of Pearlman disclose, teach, or even suggest converting as recited in claim 1.

Further, as Perlman does not disclose teach or even suggest a new pixel type, Perlman does not disclose teach or even suggest processing the data formatted in the new pixel type using standard image processing routines, the standard routines designed for a color space different than that of the given file type and the new pixel type. Thus, Pearlman fails to disclose, teach, or even suggest all claim limitations.

*Second*, to establish *prima facie* obviousness of a claimed invention, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Office Action provides no evidence of suggestion or motivation to cure Perlman's deficiency of processing data using standard routines designed for a color space different than that of the given file type and the new pixel type. Instead, it relies on the level of skill to provide the suggestion. *See* Office Action, page 5. In contrast, the Federal Circuit has stated that the level of skill in the art *cannot* be relied upon to provide the suggestion to combine references. *Al-Site Corp v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (emphasis added). Therefore, the Examiner has not established *prima facie* case of obviousness for a proper rejection §103(a).

Accordingly, Applicants respectfully submit that Perlman does not does not render claim 1 unpatentable. As claims 2-11 depend directly or indirectly on claim 1. Applicants respectfully submit that claims 2-11 are patentable over the cited references for at least the reasons discussed above for claim 1. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-11.

Claims 17 is a computer-readable medium version of claim 1. Claim 19 depends directly on claim 17. Claim 20 is a means-plus function version of claim 1. Accordingly, Applicants respectfully submit that claims 17, 19, and 20 are patentable over Perlman for at least the reasons discussed above for claim 1. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 17, 19, and 20.

#### **VIII. Rejection of Claims 12-16, 18, and 21**

In the Office Action the Examiner rejected claims 12 under 35 U.S.C. §103(a) as being unpatentable over Perlman. Claims 13-16 are dependent directly or indirectly on independent claim 12. Applicants have amended claim 12. Applicants respectfully submit that claim 12 has been amended for reasons of clarity and not for reasons of patentability. Applicants do not surrender any equivalents of any amended limitations.

As amended, claim 12 recites a method for processing an image of a given file type having several channels of image data. The method converts the image into data formatted for a new pixel type. The new pixel type is defined by a corresponding channel for each channel of the given file type. The method processes the data formatted in the new pixel type using standard image processing routines. The standard routines designed for a color space different than that of said new pixel type and said given file type.

For at least two reasons, Applicants respectfully submit that Perlman does not disclose, teach, or even suggest such a method. *First*, to establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Pearlman does not disclose, teach, or even suggest many of limitations of claim 12. For instance, Perlman does not disclose, teach, or even suggest converting image into data formatted into a new pixel type. Instead, Perlman describes displaying portions of

compressed image data on a display screen prior to decompressing the entire volume. *See* Perlman, Figs. 3 and 4.

The Office Action cites two section of Perlman for disclosing converting image into data formatted into a new pixel type. *See* Office Action, page 6. Specifically, it cites column 5, lines 35-39, which describes defining the term graphical image data; and column 14, lines 40-65, which describes having support for several pixel specifications. Applicants respectfully submit that nothing in these cited sections of Pearlman disclose, teach, or even suggest converting as recited in claim 12.

Further, as Perlman does not disclose teach or even suggest a new pixel type, Perlman does not disclose teach or even suggest processing the data formatted in the new pixel type using standard image processing routines, the standard routines designed for a color space different than that of the given file type and the new pixel type. Thus, Pearlman fails to disclose, teach, or even suggest all claim limitations.

*Second*, to establish *prima facie* obviousness of a claimed invention, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Office Action provides no evidence of suggestion or motivation to cure Perlman's deficiency of processing data using standard routines designed for a color space different than that of the given file type and the new pixel type. Instead, it relies on the level of skill to provide the suggestion. *See* Office Action, page 5. In contrast, the Federal Circuit has stated that the level of skill in the art *cannot* be relied upon to provide the suggestion to combine references. *Al-Site Corp v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (emphasis added).



Therefore, the Examiner has not established a established *prima facie* case of obviousness for a proper rejection §103(a).

Accordingly, Applicants respectfully submit that Perlman does not does not render claim 12 unpatentable. As claims 13-16 depend directly or indirectly on claim 12, Applicants respectfully submit that claims 13-16 are patentable over the cited references for at least the reasons discussed above for claim 12. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 13-16.

Claims 18 is a computer medium claim of claim 12. Claim 21 is an apparatus claim of claim 12. Accordingly, Applicants respectfully submit that claims 18 and 21 are patentable over the cited references for at least the reasons discussed above for claim 12. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 18 and 21.

#### **IX. New Claim**

In this amendment, Applicants have added claim 22-29. Applicants respectfully submit that claims 22-29 are fully supported by the disclosure. Applicants respectfully submit that claims 22-29 are patentable over the cited references.

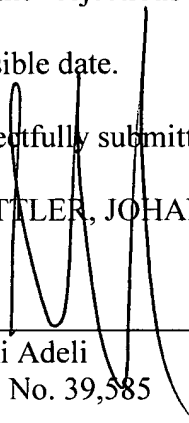
### Conclusion

In view of the foregoing, it is submitted that all the claims, namely claims 1-29, are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance is earnestly solicited at the earliest possible date.

Respectfully submitted,

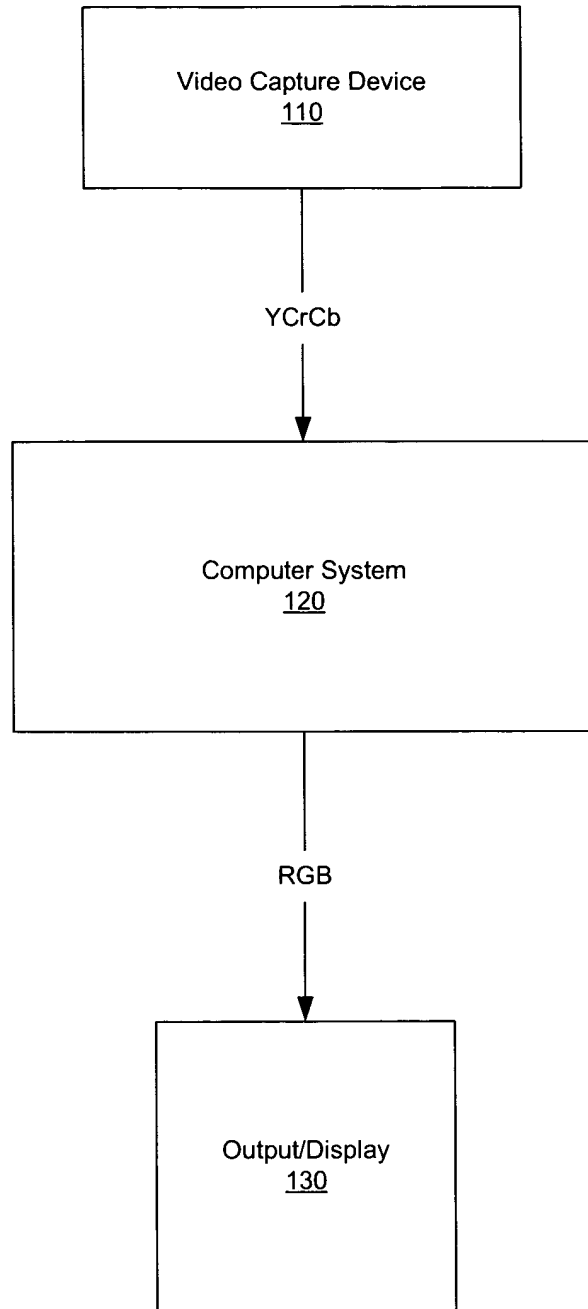
STATTLER, JOHANSEN & ADELI LLP

Dated: November 28, 2006

  
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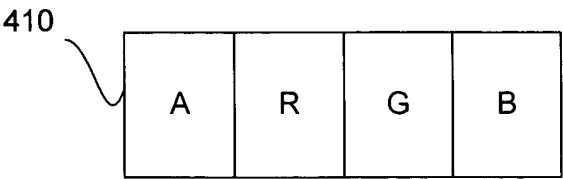
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Amended Figures (see attached copies)

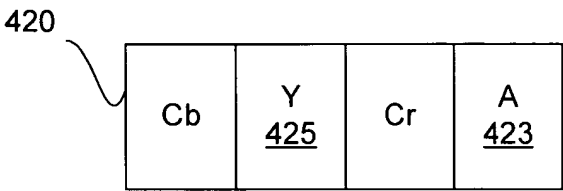


**FIG. 1**  
**Prior Art**

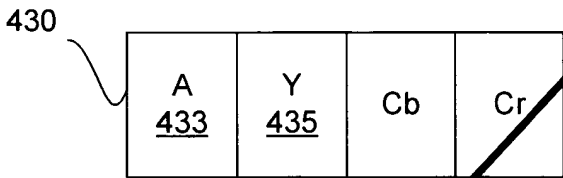
Added



**FIG. 4A**



**FIG. 4B**

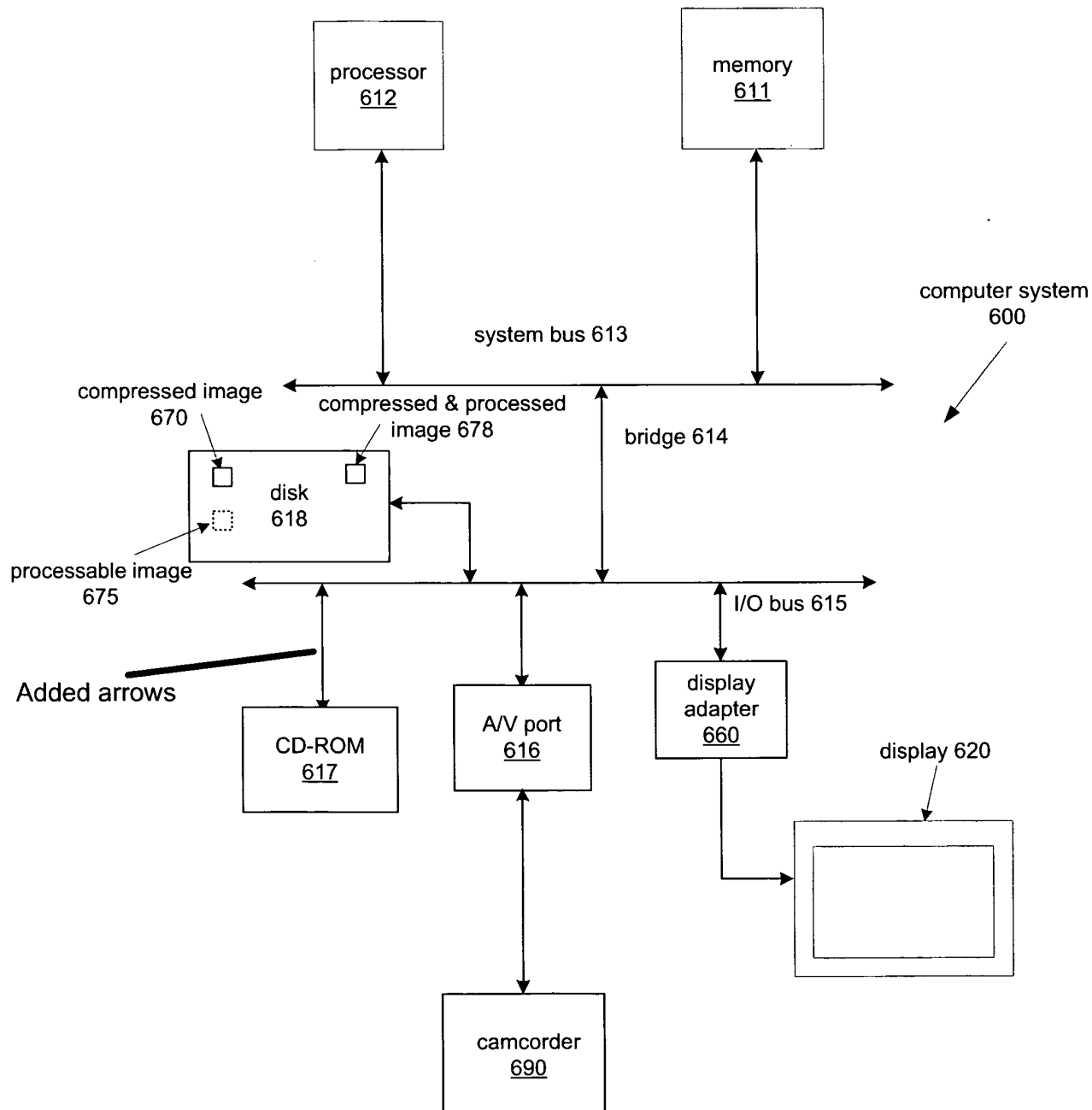


**FIG. 4C**

Added

Deleted

**FIG. 4**



**FIG. 6**